

**NOTICE OF PROBABLE VIOLATION
PROPOSED CIVIL PENALTY
AND
PROPOSED COMPLIANCE ORDER**

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 21, 2000

Mr. Leonard Mallet
Vice President of Operations
Texas Eastern Products Pipeline Company
2929 Allen Parkway
Houston, Texas 77252-2521

CPF No. 220005013

Dear Mr. Mallet:

During the period of October 16, through November 2, 2000, representatives of the Southern Region, Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code, conducted an onsite inspection of your records and facilities in Arkansas.

As a result of the inspection, it appears that you have committed probable violations as noted below of pipeline safety regulations, Title 49, Code of Federal Regulations, Part 195. The items inspected and the probable violations are:

- 1. 195.401(b) requires that whenever an operator discovers any condition that could adversely affect the safe operation of its pipeline system, it shall correct it within a reasonable time. However, if the condition is of such a nature that it presents an immediate hazard to persons or property, the operator may not operate the affected part of the system until it has corrected the unsafe condition.**

In reviewing Exposed Pipe Report records and inspecting the exposed area of line P-31 at the Lagrue Bayou River location, it was determined that the existing conditions could adversely affect the safe operation of the pipeline system. The 10 inch pipeline extends across the slough with approximately 43 feet of exposed pipe at a height of approximately 3 to 4 feet from the bottom of the slough. Company records indicate that the condition of the pipeline at this location has been known since October of 1999, due to the low rainfall level in the area. The line is susceptible to potential damage from motor boats and large debris when underwater at unknown depth. Immediate action

must be taken to remedy the existing conditions.

2. **195.402(c)12 states that the manual required by 195.402(a) must include procedures establishing and maintaining liaison with fire, police, and other appropriate public officials to learn the responsibility and resources of each government organization that may respond to a pipeline emergency; acquaint the officials with the operator's ability in responding to a pipeline emergency and means of communication.**

In reviewing the TEPPCO program for establishing and maintaining liaison with public officials in the southern part of Arkansas there was very little documentation or clarification to verify what was being done per the company's Operation and Maintenance Manual.

3. **195.412(b) requires the operator, except for offshore pipelines, at intervals not exceeding 5 years, inspect each crossing under a navigable waterway to determine the condition of the crossing.**

In reviewing the records on inspection of pipeline crossing under navigable waterways it was found that the inspection of Line P31 which crosses under the Arkansas River in Lincoln County had exceeded the 5 year interval as of July 2000 by 3 months and has not been inspected. The company has contacted a contractor to schedule inspection of the crossing.

4. **195.416(i) requires the operator to clean, coat with material suitable for the prevention of atmospheric corrosion, and, maintain this protection for, each component in its system that is exposed to the atmosphere.**

The field inspection of TEPPCO facilities in Arkansas found exposed pipe with damaged coating at three locations. The locations were as follows: Line P74 at MP386 in White County Arkansas, Line P31 downstream side of old Dewitt Station in Arkansas County, Line P31 at Lagrue Bayou MP107.2 in Arkansas County. The pipeline at these locations must be coated to prevent atmospheric corrosion.

Under 49 United States Code § 60122, you are subject to a civil penalty not to exceed \$25,000 for each violation for each day the violation persists up to a maximum of \$500,000 for any related series of violations. The Compliance Officer has reviewed the circumstances and supporting documentation involved in the above probable violations and it is her recommendation that you be preliminarily assessed a civil penalty of \$5,000 for Violation Number 1 and \$5,000 for violation Number 3.

Additionally, pursuant to 49 United States Code § 60118, the Office of Pipeline Safety proposes to issue to you a compliance order with respect to violation numbers 1, 3, and 4. That proposed compliance order is attached to and made a part of this Notice of Probable Violation.

Attached is a description of the available procedures for responding to this Notice. Please note that

if you elect to make a response, you must do so within 30 days of receipt of this Notice or waive your rights under 49 CFR 190.209. No response or a response which does not contest the allegations in the Notice authorizes the Associate Administrator, OPS to find the facts to be as alleged herein and to issue appropriate orders. The 30 day response period may be extended for good cause shown and submitted within the original 30 days.

Please refer to CPF No. 220005013 in any correspondence/communication on this matter.

Sincerely,

Frederick A. Joyner
Director, Southern Region
Office of Pipeline Safety

Enclosure (1)

PROPOSED COMPLIANCE ORDER

Pursuant to 49 United State Code § 60118, the Office of Pipeline Safety proposes to issue to Texas Eastern Products Pipeline Company a compliance order incorporating the following requirements to assure compliance with the pipeline safety regulations applicable to its operations.

1. In regard to Item No. 1 of the Notice pertaining to condition that could adversely affect the safe operation of a pipeline system:

Evaluate and remedy the condition(risk) of potential damage to the pipeline when underwater at unknown depth and repair the damaged coating.

In addition, TEPPCO is advised to evaluate all other areas in its pipeline system with similar conditions.

2. In regard to Item No. 3 of the Notice pertaining to inspection of pipeline crossing under a navigable waterway:

Perform the inspection of line P31 crossing under the Arkansas River in Lincoln County.

3. In regard to Item No. 4 of the Notice pertaining to prevention of atmospheric corrosion:

Clean and coat exposed pipeline to prevent corrosion.

4. When evaluation and appropriate action has been taken to address the items of this Order, submit written documentation to OPS within 60 days following your receipt of the Final Order to: Director, Southern Region, Office of Pipeline Safety, 61 Forsyth Street, SW, Suite 16-T-15, Atlanta, GA 30303.